

APPENDIX A



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October 23, 2024

VIA EMAIL

Robert T. Haefele, Esq.
Motley Rice LLC
28 Bridgeside Boulevard
Mount Pleasant, South Carolina 29465

Re: *In Re: Terrorist Attacks on September 11, 2001*, 1:03-md-01570-GBD-SN

Dear Robert:

As you are aware, our firm is conducting an investigation into the allegations regarding the testimony of Jonathan Marks set forth in the anonymous letter filed in the above-referenced action at ECF No. 10416-1.

In your letter to Judge Netburn dated October 9, 2024, you wrote that your firm has identified what you believe to be “multiple instances where Marks’ behavior, demeanor or testimony—as well as other visual or audio indicia—are consistent with the allegations in the Whistleblower Letter.” ECF No. 10416 at 2. In particular, your letter wrote that you have identified from the deposition video and transcript:

- “[I]ndications that at least two undeclared persons were in the deposition room, situated behind the camera on the left-hand side of the frame (*i.e.*, to Marks’ right).”
- Instances where “Marks’ eyes can be seen glancing persistently at additional individuals to Marks’ right in the deposition room.”
- Instances where, especially during tense questioning, Marks “persistently appears to look at, gesture to, and receive prompts from others in the room.”
- Instance(s) where “at least one unidentified voice is picked up on Marks’ microphone.”
- Upon close examination of the deposition video, “images of persons reflected in the glass behind Marks, perhaps even collaborating on a whiteboard.”

See ECF *id.* at 2–3.

Your letter offered to provide the Court with copies of the video and transcript from Marks’ deposition and to identify the above-referenced indicia for the Court’s review and assessment. *Id.* at 2 n.3. Since we are conducting our investigation pursuant to the Court’s Order (ECF No. 10421), and to ensure that our investigation takes account of all of the alleged indicia referenced in your October 9 letter, we ask that you please identify for us each of the instances from Marks’ deposition that you referenced in your

Arnold & Porter

Robert T. Haeefele
October 23, 2024
Page 2

letter (as set forth above) and offered to provide the Court. Since we already are in possession of the transcript and video footage from Marks' deposition, we ask only that you provide us with a list of the transcript citations that you believe support the indicia referenced in your letter so that we may conduct our own review.

Finally, if there are any other documents or information that you contend supports the allegations set forth in the anonymous letter, or that you otherwise would like us to consider as we conduct our investigation, please provide us with copies of the documents or information and we would be happy to review.

In light of the Court's Order requiring WAMY to respond to the allegations set forth in the anonymous letter by November 4, we ask that you please provide us with the requested transcript citations (and any other information you would like us to consider) by the close of business on Friday, October 25.

Thank you for your attention to this matter.

Sincerely,

/s/ Marcus A. Asner
Marcus A. Asner

Cc: Sean Carter, Esq.
Daniel Flaherty, Esq.
Daniel Blinka, Esq.
Benjamin Wolverton, Esq.